

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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ABUL HUSSAIN,

Petitioner,

MEMORANDUM AND ORDER
CV-2190-08

-against-

UNITED STATES OF AMERICA,

Respondent.

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A P P E A R A N C E S:

For Plaintiff:

Abul Hussain, Pro Se
FCI Fairton Satellite Camp
P.O. Box 420
Fairton, NJ 08320

John F. Carman, Esq.
666 Old Country Road
Suite 501
Garden City, New York 11530

For the Government:

Benton J. Campbell
United States Attorney
Eastern District of New York
Federal Plaza
Central Islip, New York 11722
By: Bonnie Klapper, A.U.S.A.

HURLEY, Senior District Judge

The Court is in receipt of Abul Hussain's ("Hussain's") letter of November 13, 2009 in which he (1) withdraws the claim that his plea of guilty was coerced by one of his defense attorneys, (2) asks for the appointment of counsel for resentencing purpose, and (3) requests a prompt resentencing date together with bail pending that date.

The coerced plea portion of Hussain's § 2255 motion is

dismissed based on his application. John F. Carman, Esq. of the Criminal Justice Act Panel is hereby appointed to represent Hussain for purposes of resentencing which resentencing is scheduled for December 22, 2009 at 11:00 a.m. Hussain's application for bail pending that date is denied based on the information provided.

Counsel for both the government and Hussain are directed to file a letter brief with the Court on or before December 8, 2009, setting forth their respective positions including (1) whether an updated presentence report should be ordered (see generally United States v. Quinteri, 306 F.3d 1217, 1234 (2d Cir. 2002) and United States v. Tyler, 2009 WL 3380996 (2d Cir.)); (2) what discretion the Court has in resentencing Hussain; and (3) their at least tentative recommendations with respect thereto.

SO ORDERED.

Dated: November 18, 2009
Central Islip, New York

DENIS R. HURLEY, U.S.D.J.